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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj

**HIGHLAND'S EMERGENCY MOTION TO EXPEDITE HEARING ON OPPOSED
EMERGENCY MOTION TO MODIFY AND FIX A BRIEFING SCHEDULE
AND SET A HEARING DATE WITH RESPECT TO HUNTER
MOUNTAIN INVESTMENT TRUST'S EMERGENCY
MOTION FOR LEAVE TO FILE VERIFIED ADVERARY PROCEEDING**

Highland Capital Management, L.P. (“HCMLP”), the reorganized debtor in the above-referenced bankruptcy case, and the Highland Claimant Trust (the “Trust” and together with HCMLP, “Highland”), by and through their undersigned counsel, hereby submit this motion (the “Motion for Expedited Hearing”) for an expedited hearing on the *Opposed Emergency Motion to Adjust and Fix a Briefing Schedule and Set a Hearing Date with Respect to Hunter Mountain Investment Trust’s Emergency Motion for Leave to File Verified Adversary Proceeding* [Docket No. 3738] (the “Motion”).¹ In support of the Motion for Expedited Hearing, Highland respectfully states the following:

RELEVANT BACKGROUND

1. On March 28, 2023, Hunter Mountain Investment Trust (“HMIT”) filed its *Emergency Motion for Leave to File Verified Adversary Proceeding* [Docket No. 3699] (the “Underlying Motion”), in which HMIT seeks leave in this Court to file an adversary proceeding against Muck Holdings, LLC (“Muck”), Jessup Holdings, LLC (“Jessup”), Farallon Capital Management, LLC (“Farallon”), Stonehill Capital Management, LLC (“Stonehill” and collectively with Muck, Jessup, and Farallon, the “Claims Purchasers”), James P. Seery, Jr. (“Mr. Seery”) and John Doe Defendant Nos. 1-10 (collectively, the “Proposed Defendants”).

2. Pursuant to the Court’s *Order Denying Application for Expedited Hearing* [Docket No. 3713] (the “Order”), responses to the Underlying Motion are currently due on April 18, 2023 (the “Current Response Deadline”).

3. In light of unanticipated developments since the Order was entered, and as explained more fully in the Motion, Highland requests (and the Proposed Defendants are expected

¹ Capitalized terms not defined in this Motion for Expedited Hearing shall have the meanings ascribed to them in the Motion.

to join in the request) that the Court enter an order with the following schedule (the “Proposed Schedule”):

- Extending the Current Response Deadline from April 18 to May 4, 2023 (approximately two weeks);
- Fixing May 11, 2023, as HMIT’s deadline for filing any reply; and
- Setting May 18, 2023 (or as soon thereafter as counsel can be heard) as the hearing date on the Underlying Motion.

RELIEF REQUESTED

4. Pursuant to section 105(a) of the Bankruptcy Code, the Court “may issue any order ... that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” Furthermore, pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure, the Court may, for cause shown, reduce the notice period required prior to a hearing.

5. The Motion must be heard and determined before the Current Response Deadline (April 18, 2023). In the absence of a ruling on the Motion prior to the Current Response Deadline, Highland and the Proposed Defendants will be forced to file their responses to the Underlying Motion without having had adequate time to prepare, especially in light of (i) HMIT’s actions taken since the Court entered its Initial Order, (*see* Motion ¶¶ 11-18), and (ii) Mr. Seery’s retention of personal counsel, (*see* Motion ¶¶ 19-20). Thus, if the relief requested in the Motion for Expedited Hearing is not granted before the Current Response Deadline, the relief requested in the Motion will be moot.

PRAYER

WHEREFORE, Highland respectfully requests that the Court (i) enter an order substantially in the form attached hereto as **Exhibit A**, setting an expedited hearing on the Motion at the Court’s earliest convenience prior to the Current Response Deadline, and (ii) granting

Highland such further and additional relief as the Court deems just and proper under the circumstances.

Dated: April 13, 2023

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, on Thursday, April 13, 2023, John A. Morris, counsel for Highland, corresponded with Roger L. McCleary and Sawnie A. McEntire, counsel for HMIT, regarding the relief requested in the foregoing Motion for Expedited Hearing. HMIT's counsel advised Highland's counsel that HMIT is **OPPOSED** to the relief requested in the Motion for Expedited Hearing.

/s/ Zachery Z. Annable

Zachery Z. Annable

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Reorganized Debtor.

Chapter 11

Case No. 19-34054-sgj

**ORDER GRANTING HIGHLAND'S
EMERGENCY MOTION TO EXPEDITE HEARING ON OPPOSED EMERGENCY
MOTION TO MODIFY AND FIX A BRIEFING SCHEDULE
AND SET A HEARING DATE WITH RESPECT TO HUNTER
MOUNTAIN INVESTMENT TRUST'S EMERGENCY
MOTION FOR LEAVE TO FILE VERIFIED ADVERARY PROCEEDING**

Having considered (a) *Highland's Emergency Motion to Expedite Hearing on Opposed Emergency Motion to Modify and Fix a Briefing Schedule and Set a Hearing Date with Respect to Hunter Mountain Investment Trust's Emergency Motion for Leave to File Verified Adversary Proceeding* [Docket No. ___] (the "Motion for Expedited Hearing"),¹ filed by Highland Capital

¹ Capitalized terms not defined herein shall take on the meaning ascribed to them in the Motion to Expedite.

Management, L.P. (“HCMLP”), the reorganized debtor in the above-referenced bankruptcy case, and the Highland Claimant Trust (the “Trust” and together with HCMLP, “Highland”); and (b) all prior proceedings relating to this matter; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that venue of this proceeding and the Motion for Expedited Hearing in this District is proper pursuant to 28 U.S.C. § 1409; and this Court having found that Highland’s notice of the Motion for Expedited Hearing and opportunity for a hearing on the Motion for Expedited Hearing were appropriate under the circumstances and that no other notice need be provided; and this Court having determined that the legal and factual bases set forth in the Motion for Expedited Hearing establish good cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Motion for Expedited Hearing is **GRANTED** as set forth herein.
2. The hearing on the *Opposed Emergency Motion to Modify and Fix a Briefing Schedule and Set a Hearing Date with Respect to Hunter Mountain Investment Trust’s Emergency Motion for Leave to File Verified Adversary Proceeding* (the “Motion”) is hereby scheduled to take place on _____, 2023 at __:__.m. Central Time.
3. The Court shall retain exclusive jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

###End of Order###